



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re patent application of:

Patrick E. Patterson

Serial No.: 09/231,714

File: January 15, 1999

Docket No.: 07650004AA

Group Art Unit: 2141

Examiner: Paul H. Kang

Dep & Ref
PATENT & TRADEMARK OFFICE
JUL 15 2005
US PATENT & TRADEMARK OFFICE

For: **DELIVERING ELECTRONIC CONTENT**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

Applicants respectfully request a refund of fees in the amount of \$260.00 and any additional fees which may have been charged to Attorney's deposit account No. 23-1951 in connection with the Submission of Terminal Disclaimer filed with the U.S. Patent and Trademark Office on April 4, 2005 and April 22, 2005, in regard to the above-identified patent application.

STATEMENT OF FACTS

- On April 4, 2005 Applicant filed a Terminal Disclaimer with the U.S. Patent and Trademark Office and enclosed a check in the amount of \$65.00 to cover required fee (Small Entity). A copy of our check no. 215790 in the amount of \$65.00 is enclosed as well as a copy of the date stamped postcard evidencing that the U.S. Patent Office received the payment on April 4, 2005. A copy of this check also shows that the check was cleared on April 8, 2005.

BEST AVAILABLE COPY

• After the filing of the Terminal Disclaimer, Applicant received a telephone call from the U.S. Patent and Trademark Office indicating that the undersigned was not included in the Power of Attorney for the above-referenced application.

• On April 22, 2005, Applicant resubmitted the Terminal Disclaimer along with a newly executed Combined Statement Under 37 C.F.R. § 3.73(b), Revocation of Power of Attorney, New Power of Attorney by Assignee, and Change of Correspondence Address adding the undersigned to the Power of Attorney. A fee for the Terminal Disclaimer was not submitted on April 22, 2005 since the payment had been submitted on April 4, 2005.

• On June 23, 2005, Applicant's deposit account no. 23-1951 was charged twice the amount of \$130.00 (\$260.00 total) for a Terminal Disclaimer fee (Large Entity). A copy of the deposit account statement showing these charges is enclosed.

Based on the above, a refund of \$260.00 is in order. Please credit Attorney's deposit account No. 23-1951 the amount of \$260.00. Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

Charles J. Gross
Reg. No. 52,972

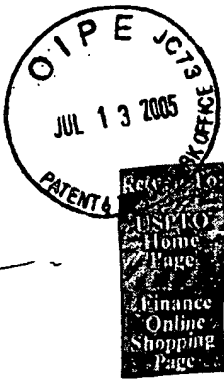
Date: July 13, 2005

McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215
Telephone No.: 703-712-5341
Facsimile No.: 703-712-5194

[illegible]

Printed using ACCORD IMAX Activex Control

Deposit Account Statement


**United States
Patent and
Trademark Office**
Deposit Account Statement

Requested Statement Month:

June 2005

Deposit Account Number:

231951

Name:

MCGUIREWOODS, LLP

Attention:

KARIM SOSA

Address:

1750 TYSONS BOULEVARD

City:

VIENNA

State:

VA

Zip:

22102

Country:

UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/01	2	10847366	6161.0055.C1	1201	\$200.00	\$3,720.00
06/01	217	11138857	6161.0626.US	1011	\$300.00	\$3,420.00
06/01	218	11138857	6161.0626.US	1111	\$500.00	\$2,920.00
06/01	219	11138857	6161.0626.US	1311	\$200.00	\$2,720.00
06/01	220	11138857	6161.0626.US	1202	\$50.00	\$2,670.00
06/02	42	10923691	08160017EP	8021	\$40.00	\$2,630.00
06/02	196	11139791	06840001.C1	2011	\$150.00	\$2,480.00
06/02	197	11139791	06840001.C1	2111	\$250.00	\$2,230.00
06/02	198	11139791	06840001.C1	2311	\$100.00	\$2,130.00
06/06	583	10518551		9204	-\$100.00	\$2,230.00
06/07	13	09607002		9204	\$715.00	\$1,515.00
06/07	68	11138323		9204	-\$40.00	\$1,555.00
06/08	3	10404443	6192.0088.BA	1201	\$86.00	\$1,469.00
06/08	30	PAYMENT		9203	-\$2,870.00	\$4,339.00
06/09	3	10518786		9204	-\$100.00	\$4,439.00
06/14	2	10191415	6192.0275.AA	1202	\$350.00	\$4,089.00
06/14	3	10191415	6192.0275.AA	1201	\$200.00	\$3,889.00
06/14	87	60689253	6199.0001.PR	2005	\$100.00	\$3,789.00
06/15	2	10523017		9204	-\$500.00	\$4,289.00
06/15	3	10523017		1642	\$400.00	\$3,889.00
06/20	60	10518551	6192.0512.US	8021	\$40.00	\$3,849.00
06/22	25	10518479		9204	-\$100.00	\$3,949.00
06/23	1	09231714	09939/003001	1814	\$130.00	\$3,819.00
06/23	2	09231714	09939/003001	1814	\$130.00	\$3,689.00
06/24	193	11159178	MP0622	1011	\$300.00	\$3,389.00
06/24	194	11159178	MP0622	1111	\$500.00	\$2,889.00
06/24	195	11159178	MP0622	1311	\$200.00	\$2,689.00



Inventors:	Patrick E. Patterson, et al.	Date:	April 4, 2005
Serial No.:	09/231,714	Art Unit:	2141
Filing Date:	January 15, 1999	Examiner:	Paul H. Kang
For:	DELIVERING ELECTRONIC CONTENT		
Atty. Docket:		07650004AA	

Commissioner for Patents:

Please place the Patent Office receipt stamp hereon to acknowledge receipt of the following:

1. An Amendment Under 37 C.F.R. §1.111;
2. A Terminal Disclaimer to Obviate a Double Patenting Rejection over a "Prior" Patent form;
3. A Petition for Extension of Time;
4. Our Check No. 215791 for \$60.00 and 215790 for \$65.00; and
5. An acknowledgement postcard.

Charles J. Gross
Registration No. 52,972



HAND DELIVERED

Inventors:	Patrick E. Patterson, et al.
Serial No.:	09/231,714
Filing Date:	January 15, 1999
For:	DELIVERING ELECTRONIC CONTENT

Date:	April 4, 2005
Art Unit:	2141
Examiner:	Paul H. Kang
Atty. Docket:	07650004AA

Commissioner for Patents:

Please place the Patent Office receipt stamp hereon to acknowledge receipt of the following:

1. An Amendment Under 37 C.F.R. §1.111;
2. A Terminal Disclaimer to Obviate a Double Patenting Rejection over a "Prior" Patent form;
3. A Petition for Extension of Time;
4. Our Check No. 215791 for \$60.00 and 215790 for \$65.00; and
5. An acknowledgement postcard.



Charles J. Gross
Registration No. 52,972

HAND DELIVERED

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**DocId: Number (Optional)
076S0004AA

Application of: Patrick E. Patterson

Application No.: 09/231,714

Filed: January 15, 1999

For: DELIVERING ELECTRONIC CONTENT

The owner, DSM TECHNOLOGIES LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,751,870 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 62,872

Charles J. Gross
Signature

4/22/2005
Date

Charles J. Gross
Typed or printed name

703-712-6341
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-3038.

*Statement, under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/28 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8189 and select option 2.

Adjustment Date: 08/29/2005 SDIRETAL
06/23/2005 SBLIZZAR 00000002 231951 09231714
01 FC:1814 130.00 CR

PE
22 MAR 2005
4 TRADEMARK

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
07650004AA

Application of: Patrick E. Patterson

Application No.: 09/231,714

Filed: January 15, 1999

For: DELIVERING ELECTRONIC CONTENT

The owner, DSM TECHNOLOGIES, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,761,870 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 52,972

Charles J. Gross
Signature

4/22/2005
Date

Charles J. Gross
Typed or printed name

703-712-5341
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-503a.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/58/28 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22315-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450.

23/2005 SBLI

FC:1814

130.00 DA

If you need assistance in completing the form, call 1-800-PTO-6189 and select option 2.

Adjustment date: 08/29/2005 SDIRETAL 09231714
06/23/2005 SBLI72AR 00000001 231951
01 FC:1814 130.00 CR

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☒ **FADED TEXT OR DRAWING**
- ☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☒ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.